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KRIEGER INTELLECTUAL PROPERTY, INC.				
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EXAMINER				
QIN, YIXING				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/894,928

Applicant(s)

FERLITSCH, ANDREW

Examiner

Yixing Qin

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 12/13/07, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 12/13/07 have been fully considered but they are not persuasive. The argument is that the control file 110 is not analogous to the PISF as claimed and that it does not perform any sort of document formatting. The Examiner disagrees. The language processor 120 extract information from the control file 110 so that the user 114 may set manipulation options for the document (column 4, lines 49-62). Column 5, lines 15-20 discloses that instructions may be appended for a portion of the job to be processed. Column 3, lines 15-17 discloses that the job control file 110 can be a file that travels with the print job file 104. In item 204 of Fig. 2 for updating the control file. This updating the control file at least suggests that the control files is manipulated and changed due to the updates. At least one way that the control file is used to affect the output format or characteristics is in Fig. 2a, item 210, where boundaries for select portions of jobs to be separately ripped are defined (column 6, lines 38-51)

In addition, the control file 110 can be updated to tell the system to perform parallel rip and print and then a merge operation as seen in Fig. 1b. This at least changes the order of pages in this manner. A simple example will be used by the Examiner. If a document has pages 1-20, and pages 1-10 are sent to the first RIP and

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print, and 11-20 are sent to the second rip and print, Then pages 1 and 11 are the first pages processed and printed under normal circumstances. Subsequent pages are then RIPped and printed in parallel. Thus, this at least changes a page order of the document in that in a single RIP, pages 1 and 11 would normally not be the first pages to be RIPped and printed. This is also further supported by the fact that the document has to be properly merged together in 162 to preserve the ordering of pages prior to the splitting of the document. This basically identifies a portion of the file and to print a specific portion of a document, which is defined by a one or a range of pages. Thus, there at least enough suggestion of the control file 110 of Barry to be analogous to the PISF file as being claimed since it performs identification of portions and the manipulation of formats of the page(s) to print a document in several portions, which would include a first portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 2, 4-10, and 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (U.S. Patent No. 6,825,943) in view of Official Notice.

Regarding claims 1 and 19, Barry discloses a method for providing driver-independent, printer-independent page manipulation options in a printing system through a page-independent spool file index, said method comprising:

reading a spool data file for a document; (Fig. 2, item 202)

creating a Page-Independent Spool File (PISF) index file that is distinct from said spool data file, but based on data in said spool data file (control file – item 110), wherein said PISF index file comprises a link to said spool data file, wherein said first link identifies a first portion of said spool data file required to print a first independently-formatted page- specific unit of said document (column 4, lines 26-48. Also column 3, lines 24-54 discloses that the language processor is used to extract information from the control file 110. Lines 50-54 discloses the information provided would be used in partitioning the print job file into selected portions and to preserve document parameter information. Thus if information extracted from the control file 110 is used in dividing into select portions, then the control file should obviously have a link to the portions, which would include a first portion);

It does not explicitly disclose “manipulating said PISF index file, after creation of said PISF index file, to effect a document page format manipulation option, wherein said document page format manipulation option is elected from the group consisting of page order, page copies, page scaling, and page placement, thereby producing a manipulated PISF index file; and

using a print processor customized to use said manipulated PISF index file, generating printer-ready data from portions of said spool data file identified by said manipulated PISF index file."

However, Barry discloses in column 4, line 25 - column 5, line 27, and column 7, lines 53-65 that an operator can manipulate the parameters in the document with the help of the job language processor 120, such as dividing the job to several portions for parallel processing. Column 5, lines 15-20 discloses that the manipulation information is appended to the selected portion for processing. While, Barry does not explicitly the options described above, the Examiner takes Official Notice on the options listed because they are well-known manipulation options known in the printing art and would have been obvious for one of ordinary skill to have included those manipulation options for the user to use on a given document.

Also, the job language processor 120 of Barry is used to interpret the parameters of a document (column 6, lines 16-22), while the RIP engines 150, 152, 154 are used to generating print-ready data. These two functions can basically be combined to create the claimed print processor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used known manipulation options and to simply combine two modules to create a customized print processor.

The motivation would have been to allow users more flexibility in manipulation options and also to create a custom print processor that can benefit from reduced hardware/software (i.e. less needed to implement the processor as opposed to the

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separate modules) or to increase efficiency (increased data transferring time since the data would not need to go through two or more modules)

Therefore, it would have been obvious to improve Barry to obtain the invention as specified.

The above obvious statements are also directed to claims 10, 14, and 18, which all claim similar inventions, so the obvious statements will not be repeated several times for those claims.

Regarding claim 2, Barry discloses the method of claim 1 further comprising providing a user interface for user manipulation of said PISF index file, after creation of said index file, to affect document page format manipulation options. (Fig. 1a, item 136, Fig.2a, item 214)

Regarding claim 4, Barry discloses the method of claim wherein said user manipulation is performed via a spooler user interface. (column 3, lines 35-42)

Regarding claims 5 and 8, Barry discloses the method of claim 1 wherein said PISF index file is created by a process that is independent of the process that created said spool data file. (Fig. 1 shows item 104 that the print driver created the job file, but the control file 110 is created from at spooler 108)

Regarding claims 6, 13, 15-17, Barry discloses the method of claim 1 wherein said PISF index file is created by a modified print processor. (Fig. 1 shows the control file 110 created by the spooler 108 – this spooler can read upon a processor/assistant since it facilitates the printing of a document between a driver and a printer.)

Regarding claim 7, Barry discloses the method of claim 1 wherein said PISF index file is stored independently of said spool data file. (Fig. 1a shows the job and control files as separate entities, also see column 3, lines 8-23)

Regarding claims 9 and 12, Barry discloses the method of claim wherein said manipulation of said PISF index file comprises changing collation options. (column 6, lines 28-51, especially lines 45-46)

Regarding claim 10, Barry discloses a method for performing document formatting options in a printing system, said method comprising:

manipulating a PISF index file to effect document formatting, wherein said document formatting comprises a document page format manipulation option, wherein said document page format manipulation option is selected from the group consisting of page order, page copies, page scaling and page placement, after creation of said PISF index file after creation of said PISF index file (Fig. 2a, items 204, 206, 214 – again the manipulation options are well-known), wherein said PISF index file comprises a link to said spool data file, wherein said first link identifies independently-formatted page-

specific units corresponding to a page of said document, wherein said first independently-formatted page-specific unit is based on document-wide, persistent, page formatting data in said spool data file, thereby producing a manipulated PISF index file (Fig. 2a, and column 7, lines 18-38. Also column 3, lines 24-54 discloses that the language processor is used to extract information from the control file 110. Lines 50-54 discloses the information provided would be used in partitioning the print job file into selected portions and to preserve document parameter information. Thus if information extracted from the control file 110 is used in dividing into select portions, then the control file should obviously have a link to the portions, which would include a first portion);

); and

using a print processor customized to use said manipulated PISF index file, generating printer-ready data from portions of said spool data file identified by said manipulated PISF index file. (combination of the job language processor 120 and the RIP engine 150, 152, 154)

Regarding claim 14, Barry discloses a method for obtaining page-independent print data in a printing system, said method comprising:

reading a PISF index file that is separate from a spool data file (Fig. 2a, item 204), wherein said PISF index file comprises a link to said spool data file, wherein said first link identifies a first portion of said spool data file required to print a first independently-formatted, page-specific units derived from document-wide, persistent,

page formatting data in said spool data file (Fig. 2a, and column 7, lines 18-38. Also column 3, lines 24-54 discloses that the language processor is used to extract information from the control file 110. Lines 50-54 discloses the information provided would be used in partitioning the print job file into selected portions and to preserve document parameter information. Thus if information extracted from the control file 110 is used in dividing into select portions, then the control file should obviously have a link to the portions, which would include a first portion);

); and

using a print processor customized to use said PISF index file (column 5, lines 46-56 and column 6, lines 16-22) accessing data indexed in said first independently-formatted units to form a print job. (Fig. 2a, steps 204-218)

Regarding claim 18, Barry discloses a printing system with driver-independent, printer-independent document formatting, said system comprising:

a reader for reading a spool data file for a document; (Fig. 2, item 202)
an indexer for converting document-wide, persistent, page formatting data in said spool data file into a page-independent spool file (PISF) index file comprising a link to said spool data file, wherein said first link identifies a first portion of said spool data file required to print a first independently-formatted, page-specific units (control file – item 110, (column 4, lines 26-48. Also column 3, lines 24-54 discloses that the language processor is used to extract information from the control file 110. Lines 50-54 discloses the information provided would be used in partitioning the print job file into selected

portions and to preserve document parameter information. Thus if information extracted from the control file 110 is used in dividing into select portions, then the control file should obviously have a link to the portions, which would include a first portion); and

a customized print processor capable of interfacing with said PISF index file to generate printer-ready data from portions of said spool data file identified in said PISF index file (column 4, line 25 - column 5, line 7 and column 6, lines 16-22 – again, the reason for the combination was discussed in claim 1 and 19 above)

II. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (U.S. Patent No. 6,825,943) in view of Official Notice and further in view of the applicant's admitted prior art in the background of the invention ("background")

Regarding claims 3 and 11, Barry discloses a method for creating and manipulating index files of pages of a print job.

It does not explicitly disclose "wherein said manipulating comprises re-ordering of pages in said document."

However, the background discloses in page 2, lines 7-19 that there are various formatting options that a user can manipulate such as booklet, n-up and reverse order printing that can affect the order of the pages being printed.

Barry and the background are combinable because both reference disclose techniques using indices to facilitate the printing of a print job.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included various common formatting options such as those disclosed in the background in the Barry invention.

The motivation would be to enhance the capabilities of the Barry invention by allowing more manipulation options.

Therefore, it would have been obvious to combine Barry and the background to obtain the invention as specified.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ /David K Moore/
Supervisory Patent Examiner, Art Unit 2625